

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERN LEI and ROSS GILSON,	:	
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	No. 24-2716
	:	
CITY OF PHILADELPHIA,	:	
Defendant.	:	

**ORDER**

Plaintiffs Vern Lei and Ross Gilson move for a temporary restraining order and preliminary injunction (ECF No. 5) to enjoin Defendant City of Philadelphia from enforcing a City of Philadelphia ordinance restricting the possession, sale, and manufacture of “rate-of-fire acceleration devices.” Phila. Code § 10-2002(4)-(5). On July 1, 2024, the Court held a telephone conference on the Motion. *See* ECF No. 6.

In determining whether to grant preliminary relief, such as a temporary restraining order, “a court must consider whether the party seeking the [temporary restraining order] has satisfied four factors: (1) a likelihood of success on the merits; (2) he or she will suffer irreparable harm if the injunction is denied; (3) granting relief will not result in even greater harm to the nonmoving party; and (4) the public interest favors such relief.” *Bimbo Bakeries USA, Inc. v. Botticella*, 613 F.3d 102, 109 (3d Cir. 2010). A restraining order is an “extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*

*v. National Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008).

Here, Plaintiffs have not made this requisite “clear showing.” *See id.* Moreover, the complexity of issues to be decided requires further briefing and oral argument.

**AND NOW**, this 1st day of July, 2024, it is **ORDERED** that Plaintiff’s Motion for Temporary Restraining Order (ECF No. 5) is **DENIED**. Decision is **RESERVED** on the Plaintiff’s Motion for Preliminary Injunction.

Further briefing and a hearing will be scheduled at a date to be determined by the Court.

s/ANITA B. BRODY, J. \_\_\_\_\_  
ANITA B. BRODY, J.